

OPINION
56-15

June 16, 1956 (OPINION)

BANKS

RE: Bank Stocks - Votes by Holders in Joint Tenancy

We have received your request for an opinion dated June 12, 1956, with reference to the above matter.

Your specific question is how bank stock held by joint tenants shall be voted. You suggest that stock owned by two joint tenants be voted on the basis of one-half vote each.

This would perhaps answer the problem provided it is permitted by the bylaws. Another way would perhaps be for one of the joint tenants to authorize the other by proxy to vote the stock. This method could result in trouble, however, in cases where the joint tenants disagree and neither will give his or her proxy to the other.

The proxy method is perhaps advisable until bylaws can be changed to allow each joint tenant to vote the stock in proportion to his or her interest shown.

The authorities we could find on this subject agree that if shares are owned by two or more persons jointly the right to vote is in them jointly. This would not prevent the use of proxies as above suggested nor would it, in our opinion, prohibit the bylaws of a corporation from allowing stock owned jointly to be voted by each joint tenant in the proportion his interest appears in the stock.

LESLIE R. BURGUM

Attorney General